

**Baker & Hostetler LLP**

45 Rockefeller Plaza

New York, NY 10111

Telephone: (212) 589-4200

Facsimile: (212) 589-4201

David J. Sheehan

Email: dsheehan@bakerlaw.com

Oren J. Warshavsky

Email: owarshavsky@bakerlaw.com

Geoffrey A. North

Email: gnorth@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee  
for the Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

HSBC BANK PLC, et al.,

Defendants.

Adv. Pro. No. 09-1364 (SMB)

**STIPULATION EXTENDING TIME  
TO RESPOND**

WHEREAS, on December 5, 2010, the plaintiff, Irving H. Picard (the “Trustee”), trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff, filed an amended complaint (the “Amended Complaint”) in this adversary proceeding, naming Herald (Lux) SICAV as a defendant; and

WHEREAS, on May 11, 2011, Defendant Herald (Lux) SICAV, by and through its official court-appointed Joint Liquidators, Me. Ferdinand Burg and Mr. Carlo Reding, agreed to accept service of the summons and Amended Complaint and waive any challenges to service, without waiving any other defenses, and received an extension of time to move, answer, or otherwise respond to the Amended Complaint (ECF No. 80); and

WHEREAS, on June 29, 2011, October 14, 2011, November 18, 2011, March 14, 2012, September 7, 2012, January 8, 2013, April 16, 2013, July 16, 2013, December 11, 2013, January 10, 2014, February 26, 2014, May 22, 2014, and July 11, 2014, the parties agreed to a second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, and thirteenth extension of time in favor of Herald (Lux) SICAV to move, answer, or otherwise respond to the Amended Complaint up to and including, respectively, September 19, 2011, November 21, 2011, March 16, 2012, September 14, 2012, January 18, 2013, April 24, 2013, July 19, 2013, December 20, 2013, January 17, 2014, March 3, 2014, May 30, 2014, July 18, 2014, and October 17, 2014 (ECF Nos. 104, 146, 152, 175, 222, 235, 250, 257, 267, 273, 282, 300, and 305); and

WHEREAS, on June 19, 2014, the Bankruptcy Court for the Southern District of New York entered an order granting supplemental authority for parties to an adversary proceeding to stipulate to, among other things, extensions of time (through no later than January 16, 2015) to move, answer, or otherwise respond to the operative complaint in such proceeding without further court order; and

WHEREAS, the parties have agreed to a fourteenth extension of time in favor of Herald (Lux) SICAV to move, answer, or otherwise respond to the Amended Complaint.

**IT IS HEREBY STIPULATED AND AGREED**, by the undersigned counsel, that:

1. The time by which Herald (Lux) SICAV may move, answer, or otherwise respond to the Amended Complaint is extended up to and including January 16, 2015.

2. The Trustee reserves all rights and defenses, and entry into this Stipulation shall not impair or otherwise affect such rights and defenses.

3. Except with regard to service of the summons and Amended Complaint, Herald (Lux) SICAV reserves all rights and defenses, including, but not limited to, any challenges to the assertion of personal jurisdiction over Herald (Lux) SICAV, and entry into this Stipulation shall not impair or otherwise affect such rights and defenses.

4. This Stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original. This Stipulation is entered into pursuant to the Order Granting Supplemental Authority To Stipulate To Extensions Of Time To Respond And Adjourn Pre-Trial

*[Remainder of This Page Intentionally Left Blank]*

Conferences (ECF No. 7037) in the above-captioned case (No. 08-01789 (SMB)).

Dated: October 8, 2014  
New York, New York

s/ Oren J. Warshavsky  
Baker & Hostetler LLP  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Oren J. Warshavsky  
Email: owarshavsky@bakerlaw.com  
Geoffrey A. North  
Email: gnorth@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for  
the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff  
Investment Securities LLC and the Estate of  
Bernard L. Madoff*

s/ Brett S. Moore  
Porzio, Bromberg & Newman, P.C.  
100 Southgate Parkway, P.O. Box 1997  
Morristown, New Jersey 07962-1997  
Telephone: (973) 889-4231  
Facsimile: (973) 538-5146  
Brett S. Moore  
Email: bsmoore@pbnlaw.com  
  
*Attorneys for Herald (Lux) SICAV, by and  
through its official Court-Appointed Joint  
Liquidators, Messrs. Ferdinand Burg and  
Carlo Reding*